

Robert C. Bundy, ABA #7206021
DORSEY & WHITNEY LLP
1031 West Fourth Avenue, Suite 600
Anchorage, AK 99501-5907
(907) 276-4557
bundy.robert@dorsey.com

Co-Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF ALASKA

WILLIAM G. OSBORNE,

Plaintiff,

vs.

DISTRICT ATTORNEY'S OFFICE FOR
THE THIRD JUDICIAL DISTRICT,
ANCHORAGE, ALASKA; SUSAN A.
PARKES, DISTRICT ATTORNEY, in her
official capacity; ANCHORAGE POLICE
DEPT., ANCHORAGE, ALASKA;
WALT MONEGAN, ANCHORAGE
POLICE DEPT.

Defendants.

Case No. A03-0118 CV

AFFIDAVIT IN SUPPORT OF MOTION
FOR ATTORNEYS' FEES

STATE OF ALASKA)

THIRD JUDICIAL DISTRICT)

ss.

Robert Bundy of Dorsey & Whitney LLP ("Dorsey") being first duly sworn, does
hereby state:

1. Dorsey is counsel for plaintiff William G. Osborne ("Osborne").
2. This affidavit is being filed in support of Osborne's Motion for Award of

Attorney's Fees pursuant to LR 54.3(a)(3).

3. Dorsey spent a total of 141.50 hours in its representation of Osborne.

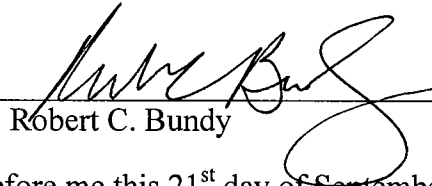
4. Of that time, 132.3 hours were directly and reasonably incurred in proving an actual violation of Osborne's rights which are protected by a statute (42 U.S.C. § 1983) pursuant to which a fee may be awarded under 42 U.S.C. § 1988.

5. Dorsey incurred an additional \$1,090.56 in expenses in conjunction with its representation of Osborne. These are costs that would normally be charged by Dorsey to a fee-paying client.


6. A copy of Dorsey's invoice detailing the requested fees and costs is attached as Exhibit A.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 21st day of September, 2006.


Robert C. Bundy

SUBSCRIBED AND SWORN before me this 21st day of September, 2006.


Notary Public in and for Alaska
My Commission Expires: 4-6-2010



DORSEY & WHITNEY LLP
1031 West 4th Avenue,
Suite 600
Anchorage, AK 99501
(907) 276-4557

CERTIFICATE OF SERVICE

This certifies that on the 21st day of September, 2006, a copy of the foregoing document was served on:

Randall S. Cavanaugh
Kalamarides & Lambert
711 H Street, Suite 450
Anchorage, AK 99501

Peter Neufeld and Colin Starger
Innocence Project
Benjamin N. Cardozo School of Law
100 Fifth Avenue, 3rd Floor
New York, NY 10011

Nancy Simel, Assistant Attorney General
Special Prosecutions and Appeals
310 K Street, Suite 308
Anchorage, Alaska 99501

Mary Pinkel
Municipality of Anchorage Department of Law
P.O. Box 1996650
632 W. 6th Avenue, Suite 730
Anchorage, Alaska 99519-6650

by electronic means through the ECF system as indicated on the Notice of Electronic Filing, or if not confirmed by ECF, by first class regular mail.

/s/ Robert C. Bundy

Robert C. Bundy, ABA #7206021
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1031 West Fourth Avenue, Suite 600
Anchorage, AK 99501-5907
(907) 276-4557
bundy.robert@dorsey.com

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1031 West 4th Avenue,
Suite 600
Anchorage, AK 99501
(907) 276-4557

PROFORMA STATEMENT AS OF 09/19/06

PROFORMA #

BILLING ATTORNEY 03231 John Treptow
RESPONSIBLE ATTORNEY 02889 Robert C. Bundy

Page 1 (1)
DATE RUN: 09/19/06
INVOICE NO:

Pro Bono: Innocence Project
William G. Osborne

BILLING INSTRUCTIONS:

CLIENT NAME/ADDRESS

BILLING ADDRESS

Pro Bono: Innocence Project

Pro Bono: Innocence Project

MATTER CURRENCY U.S. DOLLARS

DEPT. 7

DATE INDEX # NOTE DESCRIPTION

-----TIME ENTRIES-----*

INDEX	DATE	TIMEKEEPER	HOURS	WORK VALUE	BILL VALUE	STS	DESCRIPTION
11890665	10/15/03	R. Bundy	2.00	520.00	520.00	NB	Review complaint and pretrial transcript of trial
11890666	10/29/03	R. Bundy	3.50	910.00	910.00	NB	Review pleadings in State v. Osborne and Osborne v. State regarding possible proposal to State Attorney General
11890667	10/30/03	R. Bundy	3.50	910.00	910.00	NB	Research regarding DNA analysis on post conviction relief
11890672	11/19/03	R. Bundy	2.50	650.00	650.00	NB	Review all pleadings in state and federal action
11890675	11/21/03	R. Bundy	2.50	650.00	650.00	NB	Research regarding Humphrey v. Heck issues
11890677	11/24/03	R. Bundy	2.50	650.00	650.00	NB	Continued research regarding DNA statutes
12041949	02/07/04	R. Bundy	2.00	520.00	520.00	NB	Prepare notice of appeal, docketing sheet, representation statement
12041957	02/10/04	R. Bundy	2.50	650.00	650.00	NB	Research regarding notice of appeal; prepare notice of appeal, docket sheet, representation statement; telephone conference with P. Neufeld and R. Cavanaugh regarding same

BILLING COMPANY:
EBILLING REF#
Trust Account Balance .00

DATE MATTER OPENED: Dec 17, 2003
MATTER RATE CODE: 22
ARRANGEMENT: OFFC
BILL TEMPLATE: 30100
LAST BILL:
INVOICE NO:
TAX EXEMPT ID:
FEE TAX CODE: 0
COST TAX CODE: 0

PROFORMA STATEMENT AS OF 09/19/06
BILLING ATTORNEY 03231 John Treptow
RESPONSIBLE ATTORNEY 02889 Robert C. Bundy

PROFORMA #

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DATE RUN: 09/19/06
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Pro Bono: Innocence Project
William G. Osborne

INDEX	DATE	TIMEKEEPER	HOURS	WORK VALUE	BILL VALUE	STS	DESCRIPTION
12041961	02/11/04	R. Bundy	2.50	650.00	650.00	NB	Telephone conference with J. O'Connell regarding dismissal of State; telephone conference with N. Simel regarding meeting with State; research regarding attorney fees against Municipality in 47 USC 1983 suit
1148643	03/08/04	R. Bundy	1.20	312.00	312.00	NB	Review proposed MOA stipulation; email P. Neufeld, R. Cavanaugh re same
1148652	03/10/04	R. Bundy	.80	208.00	208.00	NB	Review state court of appeals appellee's brief
12230949	04/06/04	R. Bundy	2.20	572.00	572.00	NB	Telephone conference with Anchorage Municipal Attorney McConnell regarding possible settlement; research regarding jurisdiction of trial court to approve settlement
12230951	04/07/04	R. Bundy	2.50	650.00	650.00	NB	Participate in 9th Circuit mediation assessment conference call; email C. Starger regarding same; telephone conferences with R. Cavanaugh office regarding same
12230955	04/08/04	R. Bundy	.80	208.00	208.00	NB	Telephone conferences with P. Neufeld, A. Lambert regarding potential resolution
12230972	04/15/04	R. Bundy	.50	130.00	130.00	NB	Conference call with W.. Osborne, P. Neufeld, A. Lambert regarding state's offer
12267813	04/26/04	R. Bundy	.80	208.00	208.00	NB	Conference call with P. Neufeld, R. Cavanaugh, and N. Simel regarding response to State's offer
12326349	05/13/04	R. Bundy	1.80	468.00	468.00	NB	Telephone conferences with P. Neufeld, C. Starger, N. Simel and L. Ross regarding 9th Circuit mediation
12452219	06/09/04	R. Bundy	1.50	390.00	390.00	NB	Telephone conference with 9th Circuit mediator, L. Ross, N. Simel and R. Cavanaugh regarding settlement progress; separate telephone conference with L. Ross regarding same
12452244	06/28/04	R. Bundy	.80	208.00	208.00	NB	Telephone conference with P. Neufeld, R. Cavanaugh and N. Simel regarding settlement
12452250	06/29/04	R. Bundy	2.50	650.00	650.00	NB	Review offer from Assistant Attorney General Simel; research regarding burden of proof for motion for new trial; email P. Neufeld and R. Cavanaugh regarding same

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700053-00005 Pro Bono: Innocence Project
William G. Osborne

INDEX	DATE	TIMEKEEPER	HOURS	WORK VALUE	BILL VALUE	STS	DESCRIPTION
12452254	06/30/04	R. Bundy	3.20	832.00	832.00	NB	Telephone conferences with P. Neufeld and R. Cavanaugh regarding response to State offer; research regarding burden of proof in PCR cases; draft partial response to State offer
12526835	07/02/04	R. Bundy	1.80	468.00	468.00	NB	Telephone conferences with C. Starger and R. Cavanaugh regarding mediation; telephone conference; telephone conference with Ninth Circuit mediator, L. Ross, regarding next step
12534848	07/30/04	R. Bundy	1.20	312.00	312.00	NB	Conference call with Ninth Circuit Mediator, L. Ross; telephone conference with P. Neufeld and C. Starger regarding response
12649445	08/05/04	R. Bundy	1.40	364.00	364.00	NB	Review State counter-offer; research chain of custody issue
12649461	08/10/04	R. Bundy	2.50	650.00	650.00	NB	Participate in Ninth Circuit mediation
12649474	08/12/04	R. Bundy	2.00	520.00	520.00	NB	Telephone conference with C. Starger regarding formal requisites of Ninth Circuit Brief; research regarding same
12649477	08/13/04	R. Bundy	2.50	650.00	650.00	NB	Review and revise draft appellant's opening brief; emails regarding extension to file
12649482	08/16/04	R. Bundy	1.20	312.00	312.00	NB	Telephone conference with J. O'Connell regarding extension of briefing schedule; email L. Ross regarding same; review first draft of brief
12649487	08/17/04	R. Bundy	1.20	312.00	312.00	NB	Letter to Ninth Circuit mediator regarding extension; telephone conferences with N. Simel and J. O'Connell regarding same
12649489	08/18/04	R. Bundy	1.40	364.00	364.00	NB	Telephone conference regarding Ninth Circuit mediations
12649522	08/27/04	R. Bundy	2.20	572.00	572.00	NB	Review and revise draft appellee's opening brief
12746772	09/02/04	R. Bundy	2.20	572.00	572.00	NB	Telephone conferences with C. Starger and R. Cavanaugh regarding 9th Circuit brief; review trial court file for preparation of excerpts of record
12746775	09/03/04	R. Bundy	1.20	312.00	312.00	NB	Compile excerpts of record

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William G. Osborne

INDEX	DATE	TIMEKEEPER	HOURS	WORK VALUE	BILL VALUE	STS	DESCRIPTION
12746781	09/07/04	R. Bundy	3.50	910.00	910.00	NB	Review, compile excerpt of record
12746782	09/08/04	R. Bundy	2.50	650.00	650.00	NB	Revise appellant's opening brief; research regarding Alaska law on post-conviction relief
12746788	09/09/04	R. Bundy	3.20	832.00	832.00	NB	Revise brief; organize excerpt of record; telephone conferences with C. Starger, R. Cavanaugh regarding same
12746793	09/10/04	R. Bundy	3.50	910.00	910.00	NB	Edit appellant's opening brief; prepare excerpts of record
12758325	09/10/04	B. Mott	1.30	65.00	65.00	NB	Bates number complaint per request of C. Mock
12746800	09/13/04	R. Bundy	2.20	572.00	572.00	NB	Final edits to appellant's opening brief; telephone conference with J. O'Connell regarding stipulation for dismissal
12746838	09/27/04	R. Bundy	1.20	312.00	312.00	NB	Conference call with 9th Circuit mediator; telephone conference with J. O'Connell regarding stipulation edits; email P. Neufeld regarding same
12914806	11/02/04	R. Bundy	.50	130.00	130.00	NB	Finalize stipulation and motion for dismissal of Municipality of Anchorage
12914843	11/11/04	R. Bundy	2.00	520.00	520.00	NB	Review appellee's brief; conference call with C. Starger, P. Neufeld, R. Cavanaugh regarding reply brief
12914866	11/29/04	R. Bundy	1.20	312.00	312.00	NB	Review draft reply brief; email C. Starger regarding suggested changes
12999196	12/02/04	R. Bundy	2.00	520.00	520.00	NB	Review and revise reply brief
12999198	12/03/04	R. Bundy	2.50	650.00	650.00	NB	Revise appellant's reply brief
12999204	12/06/04	R. Bundy	2.00	520.00	520.00	NB	Final revisions to brief; telephone conference with C. Starger regarding Wilkenson case; review Wilkenson case regarding supplemental filing
13406184	04/11/05	R. Bundy	1.20	312.00	312.00	NB	Review, revise appellants Rule 28(j) letters
13406213	04/27/05	R. Bundy	.80	208.00	208.00	NB	Email G. Kramer regarding Rule 28(j) letter

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William G. Osborne

INDEX	DATE	TIMEKEEPER	HOURS	WORK VALUE	BILL VALUE	STS	DESCRIPTION
13450108	05/05/05	R. Bundy	.50	130.00	130.00	NB	Complete Rule 28(i) letter
13610792	07/10/05	R. Bundy	3.20	832.00	832.00	NB	Prepare for oral argument before 9th Circuit
13610796	07/11/05	R. Bundy	2.50	650.00	650.00	NB	Telephone conference with P. Neufeld regarding issues expected on oral argument; prepare for oral argument
13610804	07/13/05	R. Bundy	3.20	832.00	832.00	NB	Prepare for 9th Circuit oral argument
13610805	07/14/05	R. Bundy	5.50	1,430.00	1,430.00	NB	Prepare for and argue appeal before 9th Circuit; telephone conference with C. Starger regarding same; telephone conference with T. Brandt regarding press inquiry
13748157	08/31/05	R. Bundy	1.20	312.00	312.00	NB	Telephone conference with J. Fayette regarding state litigation; email co-counsel regarding same
14007488	11/15/05	R. Bundy	1.00	275.00	275.00	NB	Telephone conference with C. Starger regarding summary judgment motion; review summary judgment motion; draft summary judgment order, stipulation with Municipality of Anchorage
14233391	01/30/06	R. Bundy	2.50	687.50	687.50	NB	Telephone conference with N. Simel regarding extension of time; draft opposition to motion for extension of time
14233397	01/31/06	R. Bundy	1.20	330.00	330.00	NB	Draft opposition to motion for extension; email P. Neufeld regarding same
14359197	03/13/06	R. Bundy	2.00	550.00	550.00	NB	Review, revise reply brief on summary judgment motion; telephone conference with C. Starger regarding same
14359200	03/14/06	R. Bundy	.40	110.00	110.00	NB	Telephone conference with C. Starger regarding California DNA case
14359206	03/16/06	R. Bundy	.40	110.00	110.00	NB	Telephone conference with S. Solum (Innocence Project) regarding status of DNA testing
14481991	04/26/06	R. Bundy	.50	137.50	137.50	NB	Emails with C. Starger regarding oral argument
14481994	04/27/06	R. Bundy	.80	220.00	220.00	NB	Review motion to continue oral argument; telephone conferences with N. Simel, C. Starger regarding same

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 William G. Osborne

INDEX	DATE	TIMEKEEPER	HOURS	WORK VALUE	BILL VALUE	STS	DESCRIPTION
14659588	06/06/06	R. Bundy	6.50	1,787.50	1,787.50	NB	Conference with C. Starger regarding preparation for oral argument; prepare for oral argument
14659590	06/07/06	R. Bundy	5.20	1,430.00	1,430.00	NB	Prepare for and argue motion for summary judgment
14659594	06/12/06	R. Bundy	1.50	412.50	412.50	NB	Review House v. Bell regarding additional authority; telephone conferences with C. Starger, R. Cavanaugh regarding same
14876060	08/04/06	R. Bundy	1.20	330.00	330.00	NB	Review District Court Opinion; telephone conferences and emails with R. Cavanaugh, P. Neufeld, S. Toomey
14876085	08/30/06	R. Bundy	.50	137.50	137.50	NB	Research and draft request for entry of final judgment
14935067	09/08/06	A. Clendaniel	2.50	400.00	400.00	NB	Research regarding additional attorneys fees <i>N/c</i>
14935075	09/12/06	A. Clendaniel	.10	16.00	16.00	NB	Draft email to Innocence Project regarding attorneys fees <i>N/c</i>
14935080	09/13/06	A. Clendaniel	.70	112.00	112.00	NB	Draft email to Innocence Project; conference with R. Bundy regarding fees; telephone conference with N. Sihei (leave message) <i>N/c</i>
14935086	09/14/06	A. Clendaniel	.20	32.00	32.00	NB	Conference with M. Droege regarding fees motion <i>N/c</i>
14935090	09/17/06	A. Clendaniel	1.00	160.00	160.00	NB	Research attorneys fee motion <i>N/c</i>
14935094	09/18/06	A. Clendaniel	1.20	192.00	192.00	NB	Draft attorneys fee motion; draft email to Innocence Project <i>N/c</i>
14935095	09/19/06	A. Clendaniel	2.50	400.00	400.00	NB	Prepare attorneys fees motion <i>N/c</i>
14934677	09/19/06	M. Droege	1.00	140.00	140.00	NB	Prepare cost bill <i>N/c</i>
SUBTOTALS			141.50	35,932.50	35,932.50		
TAX ON FEES			9.20		.00		
TOTAL			132.30		35,932.50		

Case 3:03-cv-00118-RFB

Document 123

File 09/21/2006

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Pro Bono: Innocence Project
William G. Osborne

-----COST ENTRIES-----*

INDEX	DATE	STS	DESCRIPTION
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TAX	ORIGINAL VALUE	BILL VALUE	CODE	TKPR	VOUCHER	CHECK
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17556259	022304	NB	U.S. District Court - Appeal to the Ninth Circuit Court of Appeals 02/09/04	.00	255.00	255.00	530	08119	855449	984174
2609518	030504	NB	Chief of the District Court - Case No. A03-0118 Civil 02/27/04	.00	69.00	69.00	530	08119	858339	985571
18280565	121304	NB	Downtown Legal Copies LLC - Cardstock covers 12/06/04	.00	13.00	13.00	530	08119	916522	1015473

TOTAL FOR COST CODE: 530

12447873	061306	NB	Travel Expense - C. Mock - Car Expense	.00	66.75	690	08119	1026932	1066067
for visiting attorney	06/08/06								

TOTAL FOR COST CODE: 690 Travel Expense

17615835	031204	NB Refund of transcript costs	.00	-9.00	-9.00	754	03231
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TOTAL FOR COST CODE: 754	Refund of a Payment Dorse	.00	-9.00	-9.00	.00
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.00	COST	CODE: 004	Binding Charges	.00	48.10	QTY: 26	.00
.00	COST	CODE: 006	Messenger Charges	.00	168.60	QTY: 11	.00
.00	COST	CODE: 036	Fax Charges	.00	8.58	QTY: 18	.00
.00	COST	CODE: 054	Long Distance Telephone C	.00	27.37	QTY: 41	.00
.00	COST	CODE: 076	Pacer Service Center Elec	.00	0.32	QTY: 1	.00
.00	COST	CODE: 078	Postage Charges	.00	99.64	QTY: 5	.00
.00	COST	CODE: 084	Photocopy Charges	.00	296.20	QTY: 1,836	.00
.00	COST	CODE: 090	Taxi Charges	.00	47.00	QTY: 1	.00

COST TOTAL:	.00	1,090.56	1,090.56
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TIMEKEEPER SUMMARY - FEES

02707	Allen F. Clendaniel	160.00	8.20	1,312.00	1,312.00	09/19/06
02889	Robert C. Bundy	260.00	28.30	7,358.00	7,358.00	08/30/06
02889	Robert C. Bundy	275.00	23.70	6,517.50	6,517.50	08/30/06
02889	Robert C. Bundy	260.00	79.00	20,540.00	20,540.00	08/30/06
04843	Michèle Droege	140.00	1.00	140.00	140.00	09/19/06

PROFORMA STATEMENT AS OF 09/19/06

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BILLING ATTORNEY 03231 John Treptow

INVOICE NO:

RESPONSIBLE ATTORNEY 02889 Robert C. Bundy

7400053-00005 Pro Bono: Innocence Project
William G. Osborne

TIMEKEEPER SUMMARY - FEES

05601 Bobbie (Left 07/06) Mott

TOTAL

RATE	HOURS	STANDARD VALUE	MATTER VALUE	LAST TIME ENTRY DATE
50.00	1.30	65.00	65.00	09/10/04
	141.50	35,932.50	35,932.50	

TIMEKEEPER SUMMARY - COSTS

02889 Robert C. Bundy
03231 John Treptow
04998 Josh (Left 08/04) Homan
05754 Kari L. Tredway
07904 Angela M. Black
08119 Catherine L. Mock
08121 Patricia I. (Left 405 Olmstead
08141 Tom D. Murtiashaw
09036 Miscellaneous
09253 Anchorage Office Adm

TOTAL TAXES

GRAND TOTAL THIS MATTER

37,023.06

WRITE-OFFS: TOTAL TIME TOTAL COSTS

\$ - \$3,000 1)
\$9,001 - \$10,000 1)
\$10,000 + 1)
2)
3)

REQUIRED SIGNATURES -- 1=Billing Attorney; 2=Billing Review Partner; 3=Group Head
REASON: (Please supply explanation below for any write-off over \$3,000)